



Paul R. LePage
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head, Esq.
Commissioner

Geraldine L. Betts
Administrator

Maine Board of Pharmacy
Minutes of April 7, 2016 Board Meeting

CALL TO ORDER

President Bruno called the meeting to order at 8:00 a.m.

MEMBERS PRESENT

Joseph Bruno, R.Ph., Pharmacist, President
Donald Watson, R.Ph., Hospital Pharmacist, Vice President
Kevin Holland, R.Ph., Complaint Officer
Shane Savage, R.Ph., Independent Pharmacist
Bradley Hamilton, R.Ph., Chain Pharmacist
Kirsten Martin, Public Member

STAFF PRESENT

Andrew Black, AAG, Board Attorney
Geraldine Betts, Board Administrator
Thomas Avery, Chief Field Investigator
Kelly McLaughlin, Comprehensive Health Planner I
Jessica Gowell, Senior Consumer Assistant Specialist
Lori Brann, Planning and Research Associate I

OLD BUSINESS

Review and approval of the amended minutes of January 8, 2015

In a motion by Martin, seconded by Watson, to accept the amended minutes of January 8, 2015 as presented. Motion carried.

Review and approval of the minutes of February 4, 2016

In a motion by Watson, seconded by Martin, to accept the minutes of February 4, 2016 as presented. Motion carried.

Review and approval of the minutes of March 3, 2016

In a motion by Watson, seconded by Martin, to accept the minutes of March 3, 2016 as amended. Motion carried.

Review and approval of the minutes of March 11, 2016

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OFFICE LOCATION: GARDINER ANNEX
76 NORTHERN AVENUE, GARDINER, MAINE

In a motion by Hamilton, seconded by Watson, to accept the minutes of March 11, 2016 as presented. Motion carried. Savage abstained.

NEW BUSINESS

Complaint Committee's Report

2015 PHA 11668

In a motion by Watson, seconded by Martin, to dismiss 2015 PHA 11668 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officers Savage and Holland recused.

2015 PHA 11743

In a motion by Watson, seconded by Martin, that sufficient evidence exists to schedule 2015 PHA 11743 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 10 M.R.S. §§ 8003(5-A)(A)(5) and Board Rules Chapter 11, § 3; 2) Warning and 3) \$1,500.00 fine. Motion carried Complaint Officers Savage and Holland recused.

2015 PHA 11818

In a motion by Watson, seconded by Martin, that sufficient evidence exists to schedule 2015 PHA 11743 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(1), Board Rules chapter 30 § 1(18), and Board Rules Chapter 38 § 7; 2) Reprimand and 3) \$2,000.00 fine. Motion carried. Bruno and Savage opposed, Complaint Officer Holland recused.

In a motion by Watson, seconded by Savage to grant Pharmacist licensure to the licensee in the matter of 2015 PHA 11818. Motion carried.

In a motion by Watson, seconded by Savage to preliminary deny pharmacist in charge and closed shop pharmacy licensure to the licensee in the matter of 2015 PHA 11818. Motion carried.

2015 PHA 11832

In a motion by Martin, seconded by Hamilton, that sufficient evidence exists to schedule 2015 PHA 11832 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 10 M.R.S. §§ 8003(5-A)(A)(5) and Board Rules Chapter 11, § 3; 2) Warning and 3) \$750.00 fine. Motion carried Complaint Officer Savage and Holland recused.

2015 PHA 11739

In a motion by Hamilton, seconded by Watson to deny the counter proposal of the consent agreement offer in the matter of 2015 PHA 11739. Motion carried.

2016 PHA 11870

In a motion by Martin, seconded by Savage, to dismiss 2016 PHA 11870 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer Savage recused.

2016 PHA 12020

In a motion by Watson, seconded by Hamilton, to table 2016 PHA 11669 for further information. Motion carried, Complaint Officers Savage and Holland recused.

2015 PHA 12088

Watson recused and left the room.

In a motion by Martin, seconded by Hamilton, that sufficient evidence exists to schedule 2015 PHA 11832 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(5); and Board Rules Chapter 30 section 1(17); 2) Reprimand and 3) Revocation. Motion carried, Watson, Complaint Officers Savage and Holland recused.

2016 PHA 11939, 11941 and 12023

In a motion by Martin, seconded by Watson to deny the peer monitor and consent agreement amendment in the matter of 2016 PHA 11939, 11941 and 12023.

2015 PHA 11830

In a motion by Hamilton, seconded by Martin to deny the counter proposal of the consent agreement offer in the matter of 2015 PHA 11830. Motion carried. Complaint Officers Savage and Holland recused.

Board Action on Applications

Kimberlee Cole, PT60012121

In a motion by Savage, seconded by Watson, to accept staff's recommendation and grant licensure to *Kimberlee Cole, PT60012121*, as presented. Motion carried.

Paul Corrado, PR4111

Bruno and Savage recused and left the room.

In a motion by Holland, seconded by Martin to accept staff's recommendation and preliminarily deny licensure to Paul Corrado, PR4111 without the offer of a consent agreement. Motion carried. Bruno and Savage recused.

ExcellRx., MO40000705

In a motion by Martin, seconded by Watson to accept staff's recommendation and preliminarily deny licensure to ExcellRx., MO40000705 without the offer of a consent agreement. Motion carried.

ExcellRx., MO40000475

In a motion by Martin, seconded by Watson to accept staff's recommendation and preliminarily deny licensure to ExcellRx., MO40000475 without the offer of a consent agreement. Motion carried.

Enclara Pharmacia, Inc., MO40001714

In a motion by Savage, seconded by Hamilton to grant licensure to Enclara Pharmacia, Inc., MO40001714; with a Letter of Guidance regarding notifying the Board with seven (7) days when an ownership change takes place. The Letter of Guidance is to remain on file for a period of ten (10) years. Motion carried.

Enclara Pharmacia, Inc., MO40001715

In a motion by Savage, seconded by Hamilton to grant licensure to Enclara Pharmacia, Inc., MO40001715; with a Letter of Guidance regarding notifying the Board with seven (7) days when an ownership change takes place. The Letter of Guidance is to remain on file for a period of ten (10) years. Motion carried.

Enclara Pharmacia Inc., MO40001953

In a motion by Savage, seconded by Martin, to preliminary deny the mail order licensure to Enclara Pharmacia Inc., MO40001953 with an offer of a Consent Agreement including: 1) Admission to violation of 32 M.R.S. § 13751 and 32 M.R.S. § 13752(3); 2) Reprimand; and 3) Fine of \$1,500.00 to be paid prior to the issuance of the mail order pharmacy license. Motion carried.

Jamie Grass, PT60005998

Hamilton recused and left the room.

In a motion by Savage, seconded by Watson, to preliminary deny pharmacy technician licensure to Jamie Grass, PT60005998 with an offer of a Consent Agreement including: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(1); 2) Warning; and 3) Fine of \$250.00 to be paid prior to the issuance of the pharmacy technician license. Motion carried. Hamilton recused.

Board Action on Waiver Request

Christopher Nadeau Bedard Pharmacy – PH50000004

In a motion by Savage, seconded by Martin, to grant the waiver request to allow Christopher Nadeau to act as pharmacist in charge of two (2) locations; CSP50001541 and PH50000004 for a period of ninety (90) days pursuant to Board Rules Chapter 13 Section 3(4). Motion carried.

Administrator's Report

Administrator Betts updated the Board on the Pharmacist Examiner/Consultant who will assist with pharmacy inspections, completing inventory of pharmacies along with other tasks.

The Board was also informed that the Collaborative Drug Therapy Management Rules are now in effect.

Administrator Betts introduced Lori Brann, who was hired to fill the Planning & Research Associate I position within the unit.

Public Comments

None

ADJOURN

There being no further business Martin, motioned to adjourn at 9:55 a.m. seconded by Hamilton. Motion carried.